

TASMANIA

LOCAL GOVERNMENT AMENDMENT (ELECTORAL REFORMS) BILL 2025

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**LOCAL GOVERNMENT AMENDMENT
(ELECTORAL REFORMS) BILL 2025**

*(Brought in by the Minister for Local Government, the
Honourable Kerry John Vincent)*

A BILL FOR

An Act to amend the *Local Government Act 1993*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Local Government Amendment (Electoral Reforms) Act 2025*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

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4. Principal Act

In this Act, the *Local Government Act 1993** is referred to as the Principal Act.

5. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *ballot material*;
- (b) by omitting the definition of *by-election*;
- (c) by omitting the definition of *candidate* and substituting the following definition:

candidate means *candidate* as defined
in the *Local Government
Electoral Act 2025*;
- (d) by omitting the definition of *certificate of election*;
- (e) by omitting the definition of *closing day*;
- (f) by inserting “in accordance with the *Local Government Electoral Act 2025*” after “council” in the definition of *councillor*;
- (g) by omitting the definition of *declaration of a poll*;

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- (h) by omitting the definitions of *election agent* and *elector*;
 - (i) by omitting the definitions of *electoral advertising* and *electoral area*;
 - (j) by omitting the definitions of *electoral material*, *electoral officer*, *electoral officer in charge* and *electoral roll*;
 - (k) by omitting “, in Part 15, includes a person nominated under section 253A” from the definition of *general manager* and substituting “includes a person nominated as the general manager under the *Local Government Electoral Act 2025*”;
 - (l) by omitting the definitions of *intending candidate* and *issuing place*;
 - (m) by omitting the definition of *list of electors*;
 - (n) by omitting “, in Part 15,” from the definition of *municipal area*;
 - (o) by omitting the definitions of *nomination period*, *notice of election* and *ordinary election*;
 - (p) by omitting the definition of *polling period*;
 - (q) by omitting the definitions of *relevant period* and *returning officer*;

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- (r) by omitting the definitions of *roll closure day* and *scrutineer*.

6. Section 25 amended (Constitution of council)

Section 25(1) of the Principal Act is amended by omitting “in accordance with Part 4.” and substituting “in accordance with the *Local Government Electoral Act 2025*.”.

7. Section 28A amended (Information and documents relating to functions)

Section 28A(3) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

- (ab) the general manager believes that the information –
 - (i) is not publicly available; and
 - (ii) is a matter in relation to which the councillor has completed a personal interest return under Part 5B; or

8. Part 4 repealed

Part 4 of the Principal Act is repealed.

9. Section 51 amended (Close associate)

Section 51 of the Principal Act is amended by inserting after paragraph (g) the following paragraphs:

- (ga) a person from whom the councillor or member has received a *gift or donation*, as defined in the *Local Government Electoral Act 2025*, that has been disclosed by the councillor in accordance with Part 16 of that Act; or
- (gb) a person from whom the councillor or member has received a gift or donation that is recorded in the register of gifts and donations referred to in section 56B(1); or
- (gc) a relative of the councillor or member who resides with that councillor or member on a regular basis; or

10. Section 52 amended (Non-application of Part)

Section 52 of the Principal Act is amended as follows:

- (a) by omitting paragraph (a) from subsection (1);
- (b) by omitting paragraph (c) from subsection (1);
- (c) by omitting paragraph (e) from subsection (2);

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(d) by inserting the following subsections after subsection (2):

(2A) It is a defence to a prosecution under this Part if the councillor charged reasonably believes that –

(a) the pecuniary interest of the councillor, being a pecuniary benefit received or reasonably expected to be received as a result of the decision in question, is one held in common with a substantial proportion of electors in the municipal area; and

(b) the extent of the councillor's pecuniary interest is not greater than the extent of the pecuniary interest that is held in common by that substantial proportion of electors.

(2B) It is a defence to a prosecution under this Part if the councillor or member charged reasonably believes that –

(a) the pecuniary interest of the councillor or member, being a pecuniary benefit

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received or reasonably expected to be received as a result of the decision in relation to an application or request for approval, authorisation, licence, permit, exemption or other right under this or any other Act, is one held in common with a substantial proportion of electors in the municipal area; and

(b) the extent of that pecuniary interest is not greater than the extent of the pecuniary interest that is held in common by that substantial proportion of electors.

(2C) It is a defence to a prosecution under this Part if the councillor or member charged reasonably believes that –

(a) the pecuniary interest of the councillor or member, being a beneficial interest in shares of a company or other body, is one held in common with a substantial proportion of electors in the municipal area; and

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- (b) the extent of that pecuniary interest is not greater than the extent of the pecuniary interest that is held in common by that substantial proportion of electors.

11. Section 54 amended (Register of pecuniary interests of councillors)

Section 54 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsection:

- (2) The general manager must publish the register of interests on the council's official website.

12. Parts 5B and 5C inserted

After section 56B of the Principal Act, the following Parts are inserted:

PART 5B – PERSONAL INTEREST RETURNS

56C. Interpretation of Part

In this Part –

associated person means, in relation to a councillor –

- (a) the councillor's spouse or partner; or

- (b) a child or other member of the councillor's family who ordinarily resides with the councillor; or
- (c) any body corporate or trust in which the councillor or a person referred to in paragraph (a) or (b) has a controlling interest;

non-pecuniary interest means an interest that does not involve financial gain or loss but arises from personal relationships, affiliations or beliefs that may influence a person's decision making;

pecuniary interest means an interest that a person has in a matter if there is a reasonable likelihood or expectation of financial gain or loss, whether direct or indirect, to the person or to an associated person;

personal interest return means a return completed by a councillor under this Part, in the form and containing the information specified in a personal interest return order, and includes a revised personal interest return lodged under this Part;

personal interest return order means
an order made under section 56E
specifying the form, content and
procedural requirements for
personal interest returns.

56D. Lodgement of personal interest returns

A councillor must lodge a completed
personal interest return with the general
manager –

- (a) within 28 days after the date on
which the certificate of election,
as defined in the *Local
Government Electoral Act 2025*,
is issued in respect of the
councillor; and
- (b) on or before 31 July in each
subsequent year in which the
person holds office as a
councillor.

Penalty: Fine not exceeding 100 penalty
units.

56E. Personal interest return order

- (1) The Governor, on the recommendation of
the Minister, may make an order
specifying –
 - (a) the form and content of a
personal interest return; and

- (b) the matters that are to be disclosed in a personal interest return; and
 - (c) any procedural or administrative requirements relating to the lodgement of personal interest returns.
- (2) Without limiting subsection (1), an order may specify the following matters:
 - (a) the assets and classes of assets to be disclosed, including real property and financial interests;
 - (b) the liabilities and classes of liabilities to be disclosed;
 - (c) the associated persons and classes of persons whose interests are to be disclosed, including individuals, bodies corporate and trustees;
 - (d) employment, offices and other sources of income to be disclosed;
 - (e) gifts, donations or contributions to other entities, and the classes of such gifts, donations or contributions, to be disclosed;
 - (f) memberships of associations, including trade or professional associations, political parties and

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- other organisations to be disclosed;
 - (g) thresholds for disclosure and time periods to which the disclosures relate;
 - (h) management strategies to be documented by councillors for managing actual, potential or perceived pecuniary interests or non-pecuniary interests arising from the matters disclosed;
 - (i) the information to be withheld from publication under section 56G(b).
- (3) The Minister may amend, revoke or revoke and substitute an order.
 - (4) Before recommending that an order be made, amended or revoked, the Minister must consult with councils.
 - (5) An order is a statutory rule within the meaning of the *Rules Publication Act 1953*.
 - (6) An order is subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

56F. Requirement to submit revised personal interest return

- (1) The general manager may, by written notice to a councillor, require the councillor to submit a revised personal interest return if the general manager reasonably believes that a return lodged by the councillor –
- (a) is incomplete or does not comply with the requirements of this Part; or
 - (b) contains an error.
- (2) A councillor must submit a revised personal interest return within 14 days after receiving the notice under subsection (1).

Penalty: Fine not exceeding 50 penalty units.

56G. Publication of personal interest returns

The general manager must publish each personal interest return, and any revised personal interest return, on the council's official website –

- (a) as soon as practicable after it is lodged; and
- (b) in accordance with any requirements or exemptions specified in the personal interest

return order in relation to the publication of information contained in a personal interest return.

56H. Restriction on access to non-public information

- (1) The general manager must not provide to a councillor any information, other than information included on a public agenda or otherwise available to members of the public, if it is reasonably apparent to the general manager, from a personal interest return or other information known to the general manager, that the councillor has a pecuniary interest in the matter.
- (2) A councillor must not seek or obtain information, other than information included on a public agenda or otherwise available to members of the public, if the councillor has, or is likely to have, a pecuniary interest in the matter were it to be considered by the council or a council committee.

Penalty: Fine not exceeding 100 penalty units.

56I. Retention of personal interest returns

The council must retain each personal interest return, and each revised personal interest return, until 2 years after the

expiration of the term of the council during which the return was lodged.

56J. Offences

(1) A councillor must not –

- (a) provide information in a personal interest return that the councillor knows is false or misleading in a material particular; or
- (b) omit from a personal interest return any information knowing that the omission renders the return misleading; or
- (c) fail to lodge a personal interest return or a revised personal interest return, within the period specified under this Part, with the intention of avoiding disclosure of a pecuniary interest.

Penalty: Fine not exceeding 100 penalty units.

(2) In addition to any penalty imposed under this section, a court may make an order –

- (a) barring the councillor from nominating as a candidate at any election for a period not exceeding 7 years; and
- (b) dismissing the councillor from office.

**PART 5C – CONDUCT OF COUNCIL DURING
ELECTION PERIOD**

56K. Interpretation of Part

In this Part –

election period, in relation to an election conducted in accordance with the *Local Government Electoral Act 2025*, other than a by-election or a recount within the meaning of that Act, means the period –

- (a) commencing on the date and time of the closure of an *electoral roll*, as defined in the *Local Government Electoral Act 2025*, that is specified in a *notice of election* as defined in that Act; and
- (b) ending on the date on which the *certificate of election*, as defined in the *Local Government Electoral Act 2025*, for the election conducted in accordance with that Act is issued;

prohibited decisions means a decision by a council –

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- (a) that relates to the appointment, reappointment or remuneration of a general manager, other than the appointment, reappointment or remuneration of an acting general manager; or
- (b) that relates to the termination of a general manager; or
- (c) to enter into a contract, arrangement or agreement the total value of which exceeds whichever is the greater of –
 - (i) \$100 000; or
 - (ii) 1% of the council's revenue from general and service rating and fees and charges in the preceding financial year; or
- (d) that would enable the use of council resources in a way that is intended to influence, or is likely to influence, voting at an election conducted in

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accordance with the *Local Government Electoral Act 2025*; or

- (e) that relates to a matter, that is not of a routine or operational nature, that could be reasonably deferred until the election period ends –

but does not include a decision by the council required or authorised by or under any law to be made within a timeframe prescribed by or under that law.

56L. Conduct of council during election period

- (1) During an election period a council must not –
 - (a) use council resources for the advantage of a particular candidate, or group of candidates; or
 - (b) publish any information in any format which promotes any candidate or group of candidates; or
 - (c) publish any information in any format in relation to the election, conducted in accordance with the *Local Government Electoral Act*

2025, other than information published by the Electoral Commissioner; or

- (d) make council resources available for the advantage of a particular candidate, which are not equally available to all candidates.

Penalty: Fine not exceeding 100 penalty units.

- (2) Subject to subsection (3), a council must not make a prohibited decision during an election period.
- (3) If a council is satisfied that it is necessary and in the public interest for a prohibited decision to be made during an election period, the council may make an application to the Minister for an exemption from the application of this section to the prohibited decision specified in the application.
- (4) An application under subsection (3) must –
 - (a) be in writing; and
 - (b) set out the reasons why the prohibited decision must be made by the council during the election period.
- (5) On receipt of an application under subsection (3), if the Minister is satisfied

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that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the prohibited decision specified in the application, subject to any conditions or limitations that the Minister considers appropriate.

- (6) A prohibited decision made by a council in contravention of this section is invalid.
- (7) Any person who suffers loss or damage as a result of acting in good faith on a prohibited decision made in contravention of this section is entitled to compensation from the council for that loss or damage.

13. Section 58 amended (Tabling petition)

Section 58 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

- (3) A general manger is only required to table a petition if the general manager is satisfied that the petition –
 - (a) relates to the functions and powers of the council; or
 - (b) relates to the incorporation of the council.

14. Section 59 amended (Petitions seeking public meetings)

Section 59 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) A council must hold a public meeting if the petition complies with section 57 and section 58(3) and it is signed by at least 20% of the electors in the municipal area.

15. Section 60C amended (Petition requesting elector poll)

Section 60C(1)(b) of the Principal Act is amended by omitting “least 5% of the electors in the municipal area or 1 000 of those electors, whichever is the lesser” and substituting “least 20% of the electors in the municipal area”.

16. Section 214A amended (Scope of review)

Section 214A of the Principal Act is amended as follows:

- (a) by inserting in paragraph (j) “in accordance with the *Local Government Electoral Act 2025*” after “area”;
- (b) by inserting in paragraph (k) “in accordance with the *Local Government Electoral Act 2025*” after “district”.

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17. Section 214E amended (Result of review)

Section 214E of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “closing day, within the meaning of Part 15” and substituting “*closing day* within the meaning of the *Local Government Electoral Act 2025*”;
- (b) by omitting from subsection (7) “in accordance with Part 15 and any regulations made for the purpose of that Part” and substituting “in accordance with the *Local Government Electoral Act 2025*”.

18. Part 15 repealed

Part 15 of the Principal Act is repealed.

19. Schedules 6, 7 and 8 repealed

Schedules 6, 7 and 8 to the Principal Act are repealed.